

Attorney Docket No.: 1322.0040°C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the PATENT application of

Durward I. Faries, Jr., et al.

Serial No.: 10/016,128

Filed: December 17, 2001

Method and Apparatus for Heating Solutions Within Intravenous Lines to Desired

Temperatures During Infusion For:

Temperatures During Infusion

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to patentability of the above-identified patent application, the Examiner's attention is directed to the documents listed on the enclosed Information Disclosure Citation Form PTO-1449. Copies of the documents listed thereon are enclosed herewith.

Since this Information Disclosure Statement is being filed in compliance with 37 C.F.R. §1.97(b), within three (3) months of the filing date of the above-identified application and/or prior to the mailing date of a first Office Action on the merits, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge payment of any fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take

any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

Stuart B. Shapiro

Registration No. 40,169

EDELL, SHAPIRO & FINNAN, LLC 1901 Research Boulevard, Suite 400 Rockville, Maryland 20850-3164 (301) 424-3640

Hand-delivered: 7/21/03

Sheet 1 of 1	EJC	180				
FORM PTO 1449 (modified)	Se .	AND SELECTION OF S	ATTY DOCKET NO. 1322.0040C	SERI	AL NO. 10/016,128	3
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Mr. RO				
LIST OF REFERENCES CITED BY A (Use several sheets if necessary)	APPLICANT(\$)	EMAR	APPLICANT Durward I. Faries, Jr. et al.			1
Date Submitted to PTO:	PATENT B	A TRALE	FILING DATE December 17, 2001		GROUP 3763	
U.S. PATENT DOCUMENTS						
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,801,278	04/02/74	Wagner et al.			
	4,923,681	05/08/90	Cox et al.			
	6,316,750	11/13/01	Levin			
	6,039,926	03/21/00	Goldman			
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FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
OTHER DOCUMENT(S) (Including Au	uthor, Title, Date, Pertinent Page:	s, Etc.)				
ki i						
EXAMINER			DATE CONSID	ERED	2.75%	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Attorney Docket No. 1322.0040C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Durward I. Faries, Jr. et al.

Serial No.:

10/016,128

Examiner:

Unknown

Filed:

December 17, 2001

Art Unit:

Unknown

For:

Method and Apparatus for Heating Solutions Within Intravenous Lines to Desired

Temperatures During Infusion

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

TECHNOLOGY CENTER R3700

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant(s) would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08). In accordance with this duty of disclosure, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

\boxtimes	Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
	The subject Information Disclosure Statement is being filed without copies of the listed U.S. Patents and/or U.S. patent application publications pursuant to the waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of the listed foreign patent documents and/or non-patent literature are enclosed herewith.
	No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No to which the above-identified application claims priority under 35 U.S.C. §120.

		in a fo	cation(s) listed on the attached Form PTO/SB/08A were cited or eign search or examination report corresponding to cation serial no and mailed on
		8009	sed is a copy of a non-English publication(s) Pursuant to of the M.P.E.P., Applicant submits the attached foreign search or ination report, which cites such non-English language publication(s).
		Enclo langua	sed is a copy of a non-English publication(s) English age publication (copy enclosed) claims priority from this non-sh publication.
		Enclos an Eng	sed is an explanation of non-English publication(s) for which glish translation is not available.
		Enclos	sed is an English translation of non-English publication(s) cited in the attached Form PTO/SB/08A.
		Enclos	sed is a copy of pending patent Application Serial No
time pe	This Ir eriods:	ıformat	ion Disclosure Statement is filed within any one of the following
			within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
			within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
•		\boxtimes	before the mailing date of a first office action on the merits; or
			before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
	CENT .		

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Attorney Docket No. 1322.0040C Serial No. 10/016,128 Page 3

Dated: 10/17/2003

EDELL, SHAPIRO & FINNAN, LLC CUSTOMER NO. 27896 1901 Research Boulevard, Suite 400 Rockville, MD 20850 (301) 424-3640 Respectfully submitted by

EDELL, SHAPIRO & FINNAN, LLC

By:

Stuart B. Shapiro Reg. No. 40,169 DE CISO

Substitute for form 1449A/PTO		Complete if Known			
			Application Number	10/016,128	
IN	FORMATION I	DISCLOSURE	Filing Date	December 17, 2001	
STATEMENT BY APPLICANT		First Named Inventor	Durward I. Faries, Jr.		
			Group Art Unit	Unknown	
	(use as many sheets	as necessary)	Examiner Name	Unknown	
et	1 of		Attorney Docket Number	1322 0040C	

U.S. PATENT DOCUMENTS

		U.S. Patent Document			D . (D 11) .: (C)	
Examiner Initials*	Cite No. ¹	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
		6,467,953		Faries, Jr. et al.	10-22-2002	
		6,566,631		Faries, Jr. et al.	05-20-2003	
		4,407,133		Edmonson	10-04-1983	
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		5,243,172		Hazan et al.	09-07-1993	
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		6,384,380		Faries, Jr. et al.	05-07-2002	
		2002/0158058		Faries, Jr. et al.	10-31-2002	
		2003/0000939		Faries, Jr. et al.	01-02-2003	
		2002/0041621		Faries, Jr. et al.	04-11-2002	
		2002/0147426		Faries, Jr. et al.	10-10-2002	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document				Date of Publication	
Militais	140.	Office ³	Number ⁴	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	of Cited Document MM-DD-YYYY	T ⁶
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					OCT 2 0 7003		
					TECHNOLOGY CENTER 6370		
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1	Examiner	Date	
l	Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.